

Model Bill:

Expanding Public Sector Career Opportunities Act

SECTION 1: This act shall be known as the “Expanding Public Sector Career Opportunities Act.”

(1) Purpose. This Act removes unnecessary postsecondary degree requirements from hiring considerations for public employment positions. Many positions have experienced a phenomenon called “degree inflation” as more employers rely on a postsecondary degree as an indicator of career readiness, instead of using relevant work experience. These requirements limit opportunity for hard-working Americans and encourage unnecessary student debt. This reform does not apply to positions for which a postsecondary degree is a justifiable necessity.

[(2) Findings and Declarations. *The Legislature finds and declares that:*

- (a) There are XX adults in [our state]’s workforce without a postsecondary degree;*
- (b) There are XX vacant public positions in [our state]; and*
- (c) Public employers in our state are having a hard time finding quality applicants.]*

(3) Definitions. For the purposes of this Act, the terms:

- (a) “Applicant” means any individual seeking gainful employment from a public employer;
- (b) “Baseline requirement” means the minimum skills, prior training, or prior experience necessary to perform the primary duties of a position;
- (c) “Postsecondary degree” means an associate’s, bachelor’s, or graduate degree from an accredited institution;
- (d) “Direct experience” means any verifiable, previous work experience during which:
 - (i) the applicant’s primary duties were consistent with the primary duties of the position currently sought, or
 - (ii) the skills necessary to perform the applicant’s primary duties are transferable to the position currently sought;
- (e) “Hiring consideration” means:
 - (i) a decision to move an applicant to a subsequent round in the hiring process,
 - (ii) a decision to include the applicant on a list of applicants for consideration by another member of the employer’s team,
 - (iii) a decision to offer an applicant an interview,

- (iv) a decision to promote, retain, increase compensation, or provide some other benefit to a current employee of a public employer
 - (v) an interview held in good faith between the employer and the applicant; or
 - (vi) a final offer of employment;
- (f) “Public Employer” means any public municipal, county, or state agency or division.

SECTION 2. A new section of state code is created, which shall read:

(1) Hiring considerations by public employers.

- (a) For all hiring considerations, public employers may not reject an applicant solely on the basis of the applicant lacking a postsecondary degree.
- (b) Public employers must determine baseline requirements for applicants for each job posting.
 - (i) Public employers may include prior direct experience as a baseline requirement.
 - (ii) Public employers may include particular certifications and courses as a baseline requirement, but may not include a postsecondary degree as a baseline requirement.
- (c) For hiring considerations, public employers must follow the baseline requirements.

(2) Exceptions. Public employers are only permitted to require a minimum educational attainment for a position if the public employer demonstrates that such educational attainment is necessary for the position based on specified skills required for the position that can only be obtained through a certain degree.

- (a) As a prerequisite to being exempt under this section, public employers must dedicate a portion of the job posting to substantiating the necessity of a specific postsecondary degree, on the basis that:
 - (i) the postsecondary degree is the only possible measure to determine an applicant possesses specific skills; or
 - (ii) the position requires advanced accreditation or licensure which is only available to holders of specific postsecondary degrees.
- (b) Public employers shall include in their job postings any tests, training, apprenticeship, or other forms of assessment that may validate the competencies of a candidate for a position.
- (c) Public employers substituting experience for a postsecondary degree may not exceed:
 - (i) 2 years of direct experience for an associate's degree;
 - (ii) 4 years of direct experience for a bachelor's degree;

- (iii) 6 years of direct experience for a master's degree;
- (iv) 7 years of direct experience for a professional degree; or
- (v) 9 years of direct experience for a doctoral degree.

(3) Political Appointments. Nothing in this act shall apply to political appointments, [*schedule XX*].

(4) Contractors. A solicitation by a public employer for any good or service may not set forth any minimum experience or educational requirement for proposed contractor personnel in order for a bidder to be eligible for award of a contract unless the contracting officer includes in the solicitation a written justification that explains why the needs of the executive agency cannot be met without any such requirement and clarifies how the requirement ensures the needs are met.

(5) Enforcement. This act shall be enforced by [*oversight agency - the state's labor agency or state's office of personnel management*] to ensure compliance.

(a) Public employers must provide written notice to each applicant eliminated from hiring consideration that identifies the reason the applicant did not meet the baseline requirements for the job posting.

(b) Applicants eliminated from hiring consideration who reasonably believe the decision was based on the applicant's lack of a postsecondary degree may appeal this decision to the [*oversight agency*].

(c) Any person may report open positions with public employers in this state that require a postsecondary degree and fail to include an explanation as required under Section 2, subsection (a) of this Act.

(d) If the appeal or report is substantiated, [*oversight agency*] shall require the public employer to re-open the hiring process, require the public employer to modify the job posting, and take other action as necessary to comply with this Act.

SECTION 3. This Act takes effect on [*date 6 months after signed*].